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March 25, 2020

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: Ibrahim Mizrahi
Case No. 18-CR-889 (JMF), USM Number 86309-054

Dear Judge Furman:

As the Court is aware, this Firm is immigration counsel to Mr. Ibrahim Mizrahi. We write to respectfully request a 60-day extension of Mr. Mizrahi's voluntary surrender date due to his poor physical health and the extraordinary circumstances surrounding the worldwide outbreak of the Coronavirus pandemic ("Coronavirus" or "COVID-19"). The Government has consented to this request.

Background

Mr. Mizrahi was sentenced to serve 18 months in prison and pay restitution in the amount of \$998,000 as a result of his guilty plea. Dkt. No. 1661. Previously, we advised the Court that Mr. Mizrahi was prepared to surrender into FCI Allenwood, where it was anticipated that he would be placed into removal proceedings pursuant to the Institutional Hearing Program. We previously requested that the Court adjourn Mr. Mizrahi's voluntary surrender date, then-scheduled for February 28th, 2020, for a period of 30 days, to permit him to compile significant documentation necessary for his upcoming immigration court hearing. On February 5th, 2020, the Court granted our application, and Mr. Mizrahi's current voluntary surrender date is March 28th, 2020.

Nature of the Relief Sought

We now write the Court, with the Government's consent, to respectfully request that Mr. Mizrahi's voluntary surrender date be extended by 60 days from March 28th, 2020.

**The Coronavirus Pandemic Weighs Heavily in Favor of Extending Mr. Mizrahi's
Voluntary Surrender Date**

We respectfully make this request in light of Mr. Mizrahi's poor health, namely his long-term asthma and current bronchitis, as this is the only way to adequately protect him from COVID-19 and to promote public health during the Coronavirus emergency.

A. The Public Welfare

This Court is undoubtedly aware that, since we wrote to the Court on February 5th, 2020, circumstances in the United States, including the prison system, have radically worsened due to the ongoing Coronavirus pandemic. Coronavirus has emerged as a global and national health emergency, and the United States government, as well as various state and local agencies, have enacted legislations to promote the public health.

It is well known in the epidemiological community that prison facilities are associated with high transmission possibilities for infectious diseases. See Joseph A. Bick, Infection Control in Jails and Prisons, 45 Clinical Infectious Diseases 1047, 1047-55 (2007).

As set forth below, Mr. Mizrahi's poor physical health dramatically increases his likelihood of contracting COVID-19, and therefore his likelihood of infecting other prisoners as well.

B. Mr. Mizrahi's Poor Physical Health Places Him in a Life-Threatening Situation if He is Incarcerated At This Time

In addition to the general spread of the Coronavirus, Mr. Mizrahi's preexisting health conditions make him a particularly susceptible candidate to become infected with, and potentially die from, COVID-19. Attached hereto as Exhibit "A" is a letter from Mr. Mizrahi's physician, Dr. Victor Fariwa, M.D., stating that Mr. Mizrahi [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dr. Fariwa's concerns are shared by the Centers for Disease Control and Prevention (CDC), which notes that individuals suffering from asthma may be at a higher risk of getting "very sick" from COVID-19 because it "can affect your respiratory tract (nose, throat, lungs), cause an asthma attack, and possibly lead to pneumonia and acute respiratory disease." People with Asthma and COVID-19, CDC (Mar. 17, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/asthma.html>. Dr. Albert Rizzo, Chief Medical Officer of the American Lung Association, stated to *Newsweek* that "having a chronic lung disease like asthma does put one at a higher risk of having worse severe symptoms or complications of COVID-19 once infected." Rosie McCall, Does Coronavirus Affect Asthma? What Sufferers Need to Know

About COVID-19, NEWSWEEK (Mar. 18, 2020), <https://www.newsweek.com/does-coronavirus-affect-asthma-what-sufferers-need-know-about-covid-19-1493022>.

Accordingly, we respectfully request that this Court allow Mr. Mizrahi to extend the date of his voluntary surrender by 60 days, as this is in the best interest of the public welfare, Mr. Mizrahi, and other inmates in federal prisons. Again, the Government has consented to this request.

We thank the Court for its attention to these matters. We are available to appear by telephone for a conference to discuss this matter further.

Respectfully submitted,

S/ Daniel A. Schnapp

Daniel A. Schnapp
Partner

DAS

Application GRANTED. The defendant's self-surrender deadline is extended to May 29, 2020, without prejudice to an application for a further extension if the coronavirus pandemic remains a problem. Chambers will file the unredacted version of counsel's letter under seal. The Clerk of Court is directed to terminate Doc. # 69.

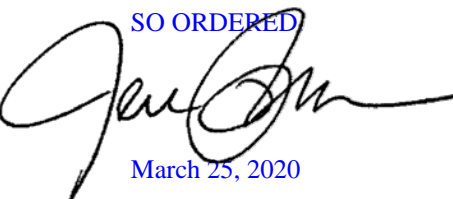
SO ORDERED

March 25, 2020

EXHIBIT A

VICTOR ZAKI FARIWA, M.D.
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2153 East 3rd Street
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(718) 339-9438
License # 226668

RE: Mizrahi, Ibrahim
DOB: 11/16/1981

March 23, 2020

To Whom It May Concern,

[REDACTED]

If you have any questions, please call me at (718) 339-9438.

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Victor Fariwa, MD